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MCCR SUCCESSFULLY DEFENDS MARYLAND'S FAIR HOUSING LAW

***Adrienne Smith v. Windgate Condominium Council* Ruling Upholds Right of Disabled Homeowners and Tenants to Request Reasonable Housing Accommodations Due to Disability**

Baltimore, MD – On July 11, 2014, Administrative Law Judge Nancy E. Paige found that the Board of Directors for the Windgate Condominium Council of Unit Owners (Windgate) violated Maryland's Fair Housing Act (FHA) when they denied Ms. Adrienne Smith (Complainant) a reasonable housing accommodation. The Judge also ordered that Windgate pay damages for emotional harm and deprivation of equal opportunity to the Complainant, as well as a civil penalty to the State of Maryland. Last, Windgate & their management company, WP&M, accepted MCCR's recommendation to participate in fair housing training.

In a joint statement, MCCR Executive Director Alvin O. Gillard and Baltimore Neighborhoods, Inc. (BNI), Executive Director Robert Strupp, Esq., state, "Maryland remains an incredible place to live, work, and raise a family. Every Marylander retains the right to enjoy their place of residence in peace, and without fear of being a victim of unlawful discrimination. MCCR and BNI remain committed to working with our communities to afford equal access to opportunity for every Maryland resident."

The Complainant, a resident of Windgate since 1998, held a reserved parking space next to her unit for thirteen years due to her disability. After a 2011 repaving project, Windgate revoked and subsequently denied the Complainant's request to reestablish the reserved parking accommodation. The Complainant contacted BNI for assistance with having Windgate reverse its decision. After BNI found that the Complainant's civil rights were being violated and attempted to resolve the matter, the complaint was referred to the Maryland Commission on Civil Rights (MCCR) for investigation and litigation. After conducting a full and fair investigation, MCCR found probable cause of discrimination. Efforts to conciliate failed, and MCCR filed a Statement of Charges in the fall of 2013 with the Office of Administrative Hearings.

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After a four day trial in February, 2014, Judge Paige found, “while the Respondents (Windgate) attempted to support their decision not to specifically reserve a space for the Complainant (Adrienne Smith), based upon their unilateral and unproven determination that it was unnecessary, they offered no persuasive reason for denying the accommodation. I conclude that the Complainant’s request was not unreasonable and that the Council violated the FHA by denying it.”

The Maryland Commission on Civil Rights represents the interest of the State to ensure equal opportunity for all through enforcement of Title 20 of the State Government Article and Title 19 of the State Finance & Procurement Article, Annotated Code of Maryland. MCCR investigates complaints of discrimination in employment, housing, public accommodations and state contracts filed by members of protected classes under federal and state law. For additional information, please contact Spencer Dove at 410-767-8576 or by email at spencer.dove@maryland.gov.

Baltimore Neighborhoods, Inc., was founded in 1959, nearly a decade before the federal Fair Housing Act (Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988). BNI is Maryland’s only statewide non-profit working for justice in housing through fair housing enforcement, education and outreach, along with uniquely providing impartial guidance, information and resources concerning the tenant-landlord relationship in Maryland.

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